

ANTHONY ALVAREZ,
 PLAINTIFF/PETITIONER/MOVANT'S NAME
V-12145) C-Facility, C-3-111-L)
 PRISON NUMBER

CENTINELA STATE PRISON
 PLACE OF CONFINEMENT

Imperial, California
 ADDRESS
#92251)

2254	1983
FILING FEE PAID	
Yes	No
Yes	No
HFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

FILED
 07 JUL 17 AM 10:49
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIF.

FILED
 OCT 26 2007
 CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 DEPUTY

United States District Court
Southern District Of California

MMC

C 07-3667

Civil No.

(06-2112)-WQH.(PR)

(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

**MOTION AND DECLARATION UNDER
 PENALTY OF PERJURY IN SUPPORT
 OF MOTION TO PROCEED IN FORMA
 PAUPERIS**

ANTHONY ALVAREZ,
 Plaintiff/Petitioner/Movant
 v.
VICTOR M. ALMAGER, Warden,
 Defendant/Respondent

I, Mr. ANTHONY ALVAREZ, Petitioner,
 declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

In further support of this application, I answer the following question under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to question 2)
 If "Yes," state the place of your incarceration CENTINELA STATE PRISON
 Are you employed at the institution? ☐ Yes ☒ No
 Do you receive any payment from the institution? ☐ Yes ☒ No

[Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. N/A

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. N/A

3. In the past twelve months have you received any money from any of the following sources?:

- | | |
|---|---|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| b. Rent payments, royalties interest or dividends | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Social Security, disability or other welfare | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| f. Spousal or child support | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| g. Any other sources | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If the answer to any of the above is "Yes" describe each source and state the amount received and what you expect you will continue to receive each month. \$0.00 from sister - 20.00 from

friend. I do not have funds coming from anyone on a regular basis

4. Do you have any checking account(s)? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s): _____

b. Present balance in account(s): _____

5. Do you have any savings/IRA/money market/CDS' separate from checking accounts? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s): _____

b. Present balance in account(s): _____

6. Do you own an automobile or other motor vehicle? ☐ Yes ☒ No

a. Make: _____ Year: _____ Model: _____

b. Is it financed? ☐ Yes ☐ No

c. If so, what is the amount owed? N/A

7. Do you own any real estate, stocks, bonds, securities, other financial instruments, or other valuable property?

☐ Yes ☒ No

If "Yes" describe the property and state its value. None

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. None

9. List any other debts (current obligations, indicating amounts owed and to whom they are payable):

10,000 COURT COSTS 300⁰⁰ TO SHIELA FABLENER
4053 8TH AVE, S.D. CALIF, ~~FL~~

10. List any other assets or items of value (specify real estate, gifts, trusts inheritances, government bonds, stocks, savings certificates, notes, jewelry, artwork, or any other assets [include any items of value held in someone else's name]):

N/A

N/A

N/A

12. If you answered all of the items in #3 "No," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses.

None

I declare under penalty of perjury that the above information is true and correct and understand that a false statement herein may result in the dismissal of my claims.

July 8th, 2007
 DATE

Anthony Alvarez
 SIGNATURE OF APPLICANT

ANTHONY ALVAREZ,
V-12145) C-Facility, C-3-111-L,
CENTINELA STATE PRISON.

#92251

In Pro Per ...

TRUST ACCOUNT WITHDRAWAL AUTHORIZATION
(Incarcerated applicants only)

(This form **MUST** be completed by the prisoner requesting to proceed in forma pauperis. An incomplete "Trust Account Withdrawal Authorization Form," or "Prison Certificate" will result in automatic denial of the prisoner's request to proceed in forma pauperis.)

I, Mr. ANTHONY ALVAREZ,, request and authorize the agency holding me in
(Name of Prisoner/ CDC No.)
 custody to prepare for the Clerk of the United States District Court for the Southern District of California, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) activity at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust fund account (or institutional equivalent) pursuant to any future orders issued by the Court relating to this civil action pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, Title VIII, §§ 801-10, 110 Stat. 1321 (1996).

This authorization is furnished in connection with a civil action filed in the Southern District of California, and I understand that, pursuant to 28 U.S.C. §§ 1914 and 1915(b)(1), the total amount of filing fees for which I am obligated is either ☐ \$350 (civil complaint) or ☒ \$5 (habeas corpus petition) (check one). I also understand that this fee will be debited from my account regardless of the outcome of this action. This authorization shall apply to any other agency into whose custody I may be transferred.

July 8TH 2007
 DATE

Anthony Alvarez
 SIGNATURE OF PRISONER
 ANTHONY ALVAREZ,
 V-12145, C Facility, C-3-111-L
 CENTINELA STATE PRISON
In Proper...

If you are a **prisoner** you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

PRISON CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant

Mr. ANTHONY ALVAREZ,

(NAME OF INMATE)

V-12145, C-Facility, C-3111-L)

(INMATE'S CDC NUMBER)

has the sum of \$

.65

on account to his/her credit at

Continental State Prison

(NAME OF INSTITUTION)

I further certify that the applicant has the following securities

to his/her credit according to the records of the aforementioned institution. I further certify that **during**

the past six months the applicant's *average monthly balance* was \$

5.28

and the *average monthly deposits* to the applicant's account was \$

5.25

ALL PRISONERS MUST ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT

STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD

IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

July, 2007)

DATE

SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

Alicia Garcia

OFFICER'S FULL NAME (PRINTED)

Account Clerk II

OFFICER'S TITLE/RANK

CALIFORNIA DEPARTMENT OF CORRECTIONS

CENTINELA STATE PRISON

INMATE TRUST ACCOUNTING SYSTEM

INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: FEB. 01, 2007 THRU JUL. 10, 2007

ACCOUNT NUMBER : V12145

BED/CELL NUMBER: FCB3T1000000111L

ACCOUNT NAME : ALVAREZ, ANTHONY

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

DATE	TRAN	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
02/01/2007			BEGINNING BALANCE					0.15
04/26	DD30		CASH DEPOSIT	5510 MLRM		9.00		9.15
05/01	DD30		CASH DEPOSIT	5590 MLRM		22.50		31.65
05/14	FC03		DRAW-FAC 3	5905 FAC C			31.00	0.65

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 11/13/03

CASE NUMBER: *SCD174061

COUNTY CODE: *SD

FINE AMOUNT: \$ 300.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
02/01/2007		BEGINNING BALANCE		300.00
04/26/07	DR30	REST DED-CASH DEPOSIT	10.00-	290.00
05/01/07	DR30	REST DED-CASH DEPOSIT	25.00-	265.00

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. *

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTION TO BE POSTED
0.15	31.50	31.00	0.65	0.00	0.00



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY 
TRUST OFFICECURRENT
AVAILABLE
BALANCE

0.65

ANTHONY ALVAREZ,
V-12145) C-Facility, C-5-127-L
CENTINELA STATE PRISON
Post Office Box-921.)
Imperial, California
E-Filing # 92251

FILED
07 AUG 10 PM 4:43
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL
Filed: Jul. 17, 2007

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY ALVAREZ,

Plaintiff,

vs.

VICTOR M. ALMAGER,

Defendant.

Warden.

07

CASE NO.

3667

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

(PR)

SAA

I, ANTHONY ALVAREZ, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A

Employer: Not Applicable

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 N/A Not Applicable
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ___ No X
 10 self employment

11 b. Income from stocks, bonds, Yes ___ No X
 12 or royalties?

13 c. Rent payments? Yes ___ No X

14 d. Pensions, annuities, or Yes ___ No X
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes ___ No X
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 N/A
 22 _____

23 3. Are you married? Yes ___ No X

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: N/A

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ N/A

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

N/A

5. Do you own or are you buying a home? Yes ☐ No ☒ X
 Estimated Market Value: \$ N/A Amount of Mortgage: \$ _____
6. Do you own an automobile? Yes ☐ No ☒ X
 Make N/A Year _____ Model _____
 Is it financed? Yes ☐ No ☐ If so, Total due: \$ Not Applicable
 Monthly Payment: \$ N/A
7. Do you have a bank account? Yes ☐ No ☒ X (Do not include account numbers.)
 Name(s) and address(es) of bank: Not Applicable
 Present balance(s): \$ N/A
- Do you own any cash? Yes ☐ No ☒ X Amount: \$ None
- Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ☐ No ☒ X

8. What are your monthly expenses?

Rent: \$ N/A X Utilities: N/A
 Food: \$ N/A Clothing: N/A

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>X</u>	\$ <u>X</u>	\$ <u>X</u>
<u>X</u>	\$ <u>X</u>	\$ <u>X</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

\$ 10,000 COURT COSTS

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes No X

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

None

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

Aug. 6TH, 2007

DATE

Anthony Alvarez

SIGNATURE OF APPLICANT

ANTHONY ALVAREZ,
V-12145) C-Facility, C-5127-L
CENTINELA STATE PRISON.
Imperial, California
#92251

In Pro Per, ...

Case Number: 007-3667

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Anthony Alvarez for the last six months

Certinela State Prison ^[prisoner name]
^[name of institution] where (s)he is confined.

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 5.25 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 6.83.

Dated: 8/7/07

Alexis [Signature]
[Authorized officer of the institution]

CALIFORNIA DEPARTMENT OF CORRECTIONS
CENTINELA STATE PRISONINMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: MAR. 01, 2007 THRU AUG. 07, 2007

ACCOUNT NUMBER : V12145

BED/CELL NUMBER: FCBST1000000127L

ACCOUNT NAME : ALVAREZ, ANTHONY

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
03/01/2007		BEGINNING BALANCE					0.15
04/26*DD30		CASH DEPOSIT	5510 MLRM		9.00		9.15
05/01*DD30		CASH DEPOSIT	5590 MLRM		22.50		31.65
05/14 FC03		DRAW-FAC 3	5905 FAC C			31.00	0.65

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
07/10/2007	H109	LEGAL POSTAGE HOLD	0202 7/9	5.38
07/10/2007	H109	LEGAL POSTAGE HOLD	0202 7/9	4.60

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 11/13/03

CASE NUMBER: *SCD174061

COUNTY CODE: *SD

FINE AMOUNT: \$ 300.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
03/01/2007		BEGINNING BALANCE		300.00
04/26/07	DR30	REST DED-CASH DEPOSIT	10.00-	290.00
05/01/07	DR30	REST DED-CASH DEPOSIT	25.00-	265.00

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. *

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTION TO BE POSTED
0.15	31.50	31.00	0.65	9.98	0.0

THE ABOVE STATEMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST:



CALIFORNIA DEPARTMENT OF CORRECTIONS

BY

TRUST OFFICE

CURRENT
AVAILABLE
BALANCE

9.3

Trust Officer :-

Administration - Building
(Mail - Room)

CENTINELA STATE PRISON.

Imperial, California
#92251

August 5th, 2007

Re: (Enclosed) Self-Stamped & Addressed Envelope To
The Court - Need You To Sign Last Page &
fill it out & Mail it To Court (FORM)
(The Court FORM)

Dear Trust Officer

Will you please fill out Prisoners Status &
Sign The last page and Mail To Federal Court.

Thanking You in Advance for your Concern

On a legal
DEADLINE

SINCERELY,

Anthony Alvarez

ANTHONY ALVAREZ,
V-12145.) C-Facility, C5-127-L
CENTINELA STATE PRISON.

Imperial, California

#92251

In Pro Per,